

## Detailed Action

### **Status of Claims**

1. This communication is in response to Application No. **10/824324**, filed on 4/13/2004.
2. Claims 1-19 are currently pending and have been examined.
3. Claims 1-19 have been rejected.
4. **Examiner's Note**: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### **Inventorship**

5. This application currently names joint inventors. In considering patentability of the claims under **35 U.S.C. §103(a)**, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under **37 CFR §1.56** to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the

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applicability of **35 U.S.C. §103(c)** and potential **35 U.S.C. §102(e), (f) or (g)** prior art under **35 U.S.C. §103(a)**.

### **Information Disclosure Statement**

6. The information disclosure statement (IDS) submitted on 5/26/2004. The submission is in compliance with the provisions of **37 CFR §1.97**. Accordingly, the information disclosure statement is being considered by the examiner. An initialed copy of the **Form 1449** is enclosed herewith.

### **Specification Objections**

7. The disclosure is objected to because of the following informalities:

Page 2, line 23, at the end of the sentence there is a "&" instead of a period

Page 3, line 23, there is an "i" after Figure 3

Page 4, line 22 and 23, the term "identifier" is not clearly defined

Page 4, line 23, there is a term "EMS) 30," the examiner assumes this to be (MS) 30

Page 4, line 24, there is a lone "s" in the disclosure, the examiner assumes this to be a "as"

Page 5, line 1, the term "mobile device" seems to be missing the term "terminal" within it (e.g. mobile terminal device)

Page 5, line 2, there is a lone "t" in the disclosure

Page 5, line 8, the term "identifier" is used, examiner is not sure which identifier it refers to

Page 5, line 19, the term "HRAC's)" is missing a parentheses.

Page 5, line 18, the term "identifiers" is used, examiner is not sure which identifier it refers to

Page 5, line 21, the term "HRAC's " seems to be improper

Page 6, line 10, the term "79651" is used, examiner assumes the "9" is suppose to be a "8"

Page 6, line 15, the term "(A1)" is used, examiner assumes the phrase to mean (A1)

Page 8, line 4, the term "WA?" is used, examiner assumes this to be WAP

Page 9, line 8, there seems to be missing a period between "spam and in"

Page 9, line 9, the term "Referring" should use a lower case r

Page 9, line 21, the term "PMS" is not clearly defined. Examiner assumes this term to mean "portable messaging system"

Page 9, line 23, there term 'wilt' is used, the examiner assumes this to be "will"

Page 10, line 15, the term "GPRS" is not defined

Page 11, line 19, there seems to be a lone "h"

Page 11, line 24, there seems to be an extra period before the term "invoking"

The Examiner respectfully requests that the Applicant checks the specification for any other informalities that may be found. Appropriate correction is required.

**Claim Rejection – 35 U.S.C. §102**

8. The following is a quotation of the appropriate paragraphs of **35 U.S.C. §102** that form the basis for the rejections under this section made in this office action:

A person shall be entitled to a patent unless-

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-5, 7, 16 and 17 are rejected under 35 U.S.C. §102(b)** as being anticipated by U.S. PGPub 2002/0072970 to Miller et al ("Miller" hereinafter). Miller discloses method of collecting product-specific information from a collecting device, which is transmitted to a facilitating organization where information is aggregated and provided to product suppliers in an anonymous fashion.

**Concerning claim 1, Miller** discloses the invention substantially as claimed, including in a method providing as a first party, the third party using a device capable of receiving unsolicited communications, the method comprising the steps of:

- a) receiving, from a requesting device, a request over said network, said request including an information identifier and a device identifier;
- b) retrieving information associated with said information identifier and forwarding said information to said requesting device over said network; and
- c) undertaking not to provide said device identifier to said second party.

These limitations can be found in Miller at page 1, par. 2 and 7; page 7, par. 95-96; page 8, par. 117; page 9, par. 118-131; Fig. 3, Claim 1 and Abstract.

**Concerning claim 2,** Miller discloses the invention substantially as claimed, wherein said retrieving information comprises sending a request for information including said information identifier to said second party and receiving information from said second party (see page 1, par. 7; page 8, par. 118; page 9, par 119-130; Fig. 3);

**Concerning claim 3,** Miller discloses receiving a request for information identifiers from a second party; sending information identifiers to said second party in response to said request; and associating said information identifiers with said second party (page 9 par. 118-129; page 10, par. 139; page 10, par. 143 and 146);

**Concerning claim 4 and 7,** Miller discloses a method of storing information on requests made including each said information identifier; and providing statistical data on requests made in relation to each said information identifier to said second party (see page 9, par. 130, 136; page 10, par. 137; page 10, par. 141 and 142);

**Concerning claim 5,** Miller discloses a method comprising the steps of:

- a) receiving information from said second party;
- b) storing said information;
- c) associating an information identifier with said information
- d) providing said information identifier to said second party so that said second party may disseminate said information identifier.

Steps a, b, c, and d may be found in Miller at page 9, par 120-125, 134; page 10, par. 137-139.

**Concerning claim 16, Miller** discloses wherein access to said previously accessed information is provided via the internet (see page 9, par. 119).

**Concerning claim 17, Miller** discloses wherein said previously accessed information is stored and is accessible without connecting to said network (see page 9, par 133).

### **Claim Rejection 35 USC §103**

10. The following is a quotation of **35 U.S.C. §103(a)** which forms the basis for all obviousness rejections set forth in this office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in 35 U.S.C. §102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co.**, 383 U.S. 1,148 USPQ 459

(1966) that are applied for establishing a background for determining obviousness under

**35 U.S.C. §103(a)** are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the difference between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or non obviousness.

This application currently names joint inventors. In considering patentability of the claims under **35 USC §103(a)**, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under **37 CFR §1.56** to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of **35 U.S.C. §103(c)** and potential **35 U.S.C. §103(e), (f) or (g)** prior art under **35 U.S.C. §193(a)**.

11. **Claims 6, 8, 9-15 and 18-19 are rejected under 35 U.S.C. §103(a)** as being unpatentable over Miller in view of Kolsky et al., U.S. PGPub 2003/0144016 to ("Kolsky" hereinafter). Kolsky discloses method of object access through a cellular telephone, which is termed herein "object dialing." Object dialing requires a data enabled access device, such as a cellular telephone for example, through which the user enters an object identifier.

**As to claim 6**, Miller discloses the invention substantially as claimed. See the discussion of claim 5. However, Miller does not specifically disclose the use of multiple information identifiers that are associated with the same information so that said second party may publish different information identifiers by different means or in different locations. Kolsky discloses this limitation at page 5, par. 56. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Miller to include the features of Kolsky, because this would allow the use of various input devices such as bar code scanners, voice tape recorders, etc. which can be employed by users (e.g., consumers) to collect information about a product or products. Specifically, information such as a Universal Product Code (UPC), Stock-Keeper Units (SKU's), manufacturers part numbers or product descriptions, etc. (e.g., unique identifiers that allow users to collect information about products). Therefore, sufficient rational exists to employ a system that uses multiple information identifiers to be associated to the same information. This would aid a second party to publish different information identifiers by different means or in different locations.

**As to claim 8, Kolsky** further discloses providing statistical data at page 2, par. 22; page 4, par. 42 and 51; page 5, par. 57.

**As to claim 9, Kolsky** further discloses newspapers, magazines, billboards, television, radio, email and the Internet at page 4, par. 46.

**As to claim 10, Kolsky** further discloses using a wireless network at page 4, par. 50.

**As to claim 11, Kolsky** further discloses a accessing device as a cellular telephone at page 2, par. 19; page 3, par.25 and 35.

**As to claim 12, Kolsky** further discloses a SMS network at page 2, Par 20-21.

**As to claim 13, Kolsky** further discloses entry using a cellular telephone keypad at page 2, par. 19.

**As to claim 14 and 19,** wherein said optimizing excludes information identifiers requiring the same key to be pressed consecutively. These claims merely describes the information that is excluded as opposed to a specific method step; reduction of work effort would have been an obvious modification to improve user satisfaction.

**As to claim 15, Kolsky** further discloses storing information and providing access over said network via a structured menu at page 2, par. 19; page 3, par. 41; page 4, par. 44, page 5, par. 54.

**As to claim 18, Kolsky** further discloses a method of optimizing said information identifier for entry using a cellular telephone keypad (see page 2, par. 19, 22; page 3, par 35, 38; page 4, par. 44, Claim 1) (optimizing



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to mean ease of use, e.g. menu display) (2970 page10 par. 136 Personal interface based on prior history)

### **Conclusion**

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- LaPorta, (US 5,974,300) (1999) teaches a method and process of two-way wireless cellular messaging system.
- Kefford, (US 2003) (PGPub 2003/0204726) teaches a method and system for secure transmission of information using a mobile device.
- Wells, (US 6,125,281) (2000) teaches a real time SMS application messaging using an SMS linked server.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Dante Ravetti whose telephone number is (571) 270-3609. The examiner can normally be reached on Monday – Thursday 7:30am-5:00pm.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Charles Kyle may be reached at (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the private

PAIR system, please contact the Electronic Business Center (EBC) at 1-(866) 217-9197. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1-(800) 786-9199 (IN USA or CANADA) or 1-(571) 272-1000.

/Dante Ravetti/  
Examiner, Art Unit 4194

/Charles Kyle/  
Supervisory Patent Examiner, Art Unit 4194